

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARL EVANS, et al.,	:	CIVIL ACTION
	:	NO. 10-1679
Plaintiffs,	:	
	:	
v.	:	
	:	
LINDEN RESEARCH, INC., et al,	:	
	:	
Defendants.	:	

**O R D E R**

\_\_\_\_\_**AND NOW**, this **3rd** day of **February, 2011** for the reasons set forth in the Court's accompanying memorandum dated February 3, 2011, it is **ORDERED** that:

1. Defendants' Motion to Dismiss (doc. no. 11) is **GRANTED in part and DENIED in part**. Defendants' motion will be granted as the Court finds that the forum selection clause applies so that the case cannot be pursued in this Court. Defendants' motion is denied in part as the case will not be dismissed but transferred to the United States District Court for the Northern District of California.

2. The Clerk of the Court shall **TRANSFER** the case to the United States District Court for the Northern District of California.

3. Defendants' motions for leave to file replies (doc. nos. 16 & 26) are **GRANTED**.

4. Plaintiffs' Motion for Leave to File a Second

Amended Complaint (doc. no. 13) will be **DENIED as moot.**

**AND IT IS SO ORDERED.**

S/Eduardo C. Robreno  
**EDUARDO C. ROBRENO, J.**